

FILED 07 JUN 15 12 49 PM '07

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TRUSTEES OF THE OREGON-)
WASHINGTON CARPENTERS-)
EMPLOYERS HEALTH AND WELFARE)
TRUST FUND, et al.,)

Plaintiff,)

v.)

BQC CONSTRUCTION, INC.)
HARDWARE SERVICE,)
Defendant.)

No. CV 06-1618-HU

OPINION AND ORDER

Stephen H. Buckley
Cary R. Cadonau
Brownstein, Rask, Sweeney
1200 S.W. Main Building
Portland, Oregon 97205
Attorneys for plaintiffs

MOSMAN, District Judge:

Plaintiffs filed this action for recovery of delinquent fringe benefit contributions and union dues on November 13, 2006. On

December 11, 2006, plaintiffs filed a motion for an order of default. The court found good cause and entered the order of default on December 14, 2006.

On March 7, 2007, plaintiffs filed a motion for entry of a default judgment. On April 3, 2007, the court denied the motion because the evidence proffered in support of the motion was insufficient. On May 14, 2007, plaintiffs filed an amended motion for entry of a default judgment as follows:

1) in the amount of \$17,790.09 for unpaid fringe benefit contributions and union dues;

2) in the amount of \$1,169.45 in interest calculated through January 9, 2007, with interest continuing to accrue on the sum of the unpaid contributions (\$16,059.22) at the rate of 12% per annum from January 10, 2007, through entry of judgment, and interest continuing to accrue on the sum of the unpaid union dues (\$1,730.87) at the rate of 9% per annum from January 10, 2007, through entry of judgment;

3) in the amount of \$1,156.32 in interest;

4) in the amount of \$1,275.50 in liquidated damages;

5) in the amount of \$2,805.00 as attorneys' fees;

8) in the amount of \$452.50 as costs; and

9) granting plaintiffs retention of the right to conduct a future payroll examination of defendant's books and records to ensure that all required fringe benefit contributions and union

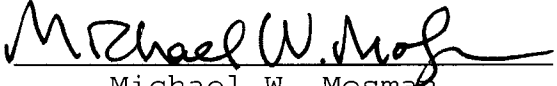
dues have been paid and to institute legal proceedings to recover any amounts found to be unpaid, together with liquidated damages, interest, payroll examination fees, attorneys' fees and costs.

Plaintiffs' amended motion is accompanied by the relevant labor agreements, properly authenticated, and authenticated copies of the remittance report forms.

Plaintiffs' amended motion for a default judgment (doc. # 15) is GRANTED.

IT IS SO ORDERED.

Dated this 14th day of June, 2007.


Michael W. Mosman
United States District Judge